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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/979,555	11/26/2001	Makoto Takagi	OHS-309	5042

7590

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EXAMINER

BUTTNER, DAVID J

ART UNIT

PAPER NUMBER

1712

DATE MAILED: 04/03/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/979,555

Applicant(s)

TAKAGI, MAKOTO

Examiner

David Buttner

Art Unit

1712

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) 8-11, 16, 17 and 22-33 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 12-15, 18-21, 34 and 35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3. 6) ☐ Other:

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The Japanese priority document has not been provided.

Applicant's election with traverse of pulverized (PC + styrenic resin + phosphoric ester) + PC in Paper No. 5 is acknowledged. The traversal is on the ground(s) that the generic claim has not shown to be unpatentable. This is not found persuasive because the following rejections do show the generic claims do not avoid the prior art.

The requirement is still deemed proper and is therefore made FINAL.

Claims 8-11, 16, 17 and 22-33 require additional and/or alternative ingredients and therefore do not read on elected composition.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A-2-PS and A-2-PE are not defined.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7, 12-15, 18-21, 34 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Kobayashi WO 00/12629 Patent in view of Developments in Injection Molding.

The examiner relies on US 6483683 as a translation.

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Kobayashi (table 1) exemplifies compositions of PC, ABS, phosphate flame retardant, talc and PTFE. The apparent MW is about 20,000 and the wet heat MW retention is high.

The composition is injected molded (col. 26 line 28). This corresponds to applicant's (A) material prior to being pulverized. The reference does not explicitly suggest recycling this material.

During injection molding, it is common practice to regranulate runners, sprues, faulty moldings etc. and recycle them back into the injection molding process (see the Injection Molding Text). In effect, this recycling would blend regranulated PC, ABS, phosphate, talc, PTFE articles with virgin PC, ABS, phosphate, talc and PTFE.

It would have been obvious to recycle Kobayashi's faulty moldings, runners etc back into virgin feed as a cost saving measure.

Claims 1-7, 12-15, 18-21, 34 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Kobayashi WO 00/12629 Patent in view of the Developments in Injection Molding in further view of Nodera '142 or '114.

Nodera '142 (abstract; table 1) and Nodera '114 (Table 1-1) both show PC, styrenic resin, phosphate compositions are recyclable. This further suggests recycling the very similar Kobayashi composition.

Claims 1-7, 12-15, 18-21, 34 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Nodera '142 Patent in view of Development in Injection Molding.

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Nodera (table 1) exemplifies injection molded blends of PC, styrenic resin, phosphate etc. The blend is said to be moisture resistant due to the small decrease in impact strength after exposure to humidity. Although not identical to applicant's "wet heat retention ratio", it is analogous. If impact strength has little decrease, then the viscosity would also have little decrease. The MW of the PC used in the examples has a MW of 19,000 (col. 16 line 52). This is close to that used by applicant's examples (page 86 line 5). The composition is said to be recyclable. For all of these reasons, Nodera's composition is believed to inherently meet applicant's (A) material. The burden of proof shifts to applicant to show otherwise (MPEP 2112).

Nodera does not explicitly state adding his recycled composition to fresh virgin ingredients.

This is one method of "recycling" as shown by the injection molding text. It would have been obvious to recycle faulty moldings, sprues and runners back into the virgin starting ingredients as a cost savings measure.

Claims 1-7, 12-15, 18-21, 34 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Nodera '114 Patent in view of the Developments in injection molding.

Nodera (Table 1-1) exemplifies injection molded blends of PC, styrenic resin, phosphate etc. The blend has a minor decrease in impact strength after exposure to humidity. Although not identical to applicant's "wet heat retention ratio", it is analogous. If impact strength has little decrease, then the viscosity would also have little decrease. The MW of the PC used in the examples has a MW of 19,000 (col. 14 line 21). This is

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close to that used by applicant's examples (page 86 line 5). The composition is said to be recyclable. For all of these reasons, Nodera's composition is believed to inherently meet applicant's (A) material. The burden of proof shifts to applicant to show otherwise (MPEP 2112).

Nodera does not explicitly state adding his recycled composition to fresh virgin ingredients.

This is one method of "recycling" as shown by the injection molding text. It would have been obvious to recycle faulty moldings, sprues and runners back into the virgin starting ingredients as a cost savings measure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Buttner whose telephone number is 703-308-2403. The examiner can normally be reached on Weekdays from 10:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Dawson can be reached on 703-308-2340. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

D. Buttner/mn
April 2, 2003

DAVID J. BUTTNER
PRIMARY EXAMINER

David Buttner